

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In Re:

THE CHRISTIAN BROTHERS' INSTITUTE, et al.,

Debtors.

Chapter 11

Case No. 11-22820 (RDD)

(Jointly Administered)

**JOINDER OF MARYLAND CASUALTY COMPANY TO OBJECTION OF
PACIFIC INDEMNITY COMPANY TO CONFIRMATION OF FIRST
AMENDED JOINT CHAPTER 11 PLAN OF REORGANIZATION**

**To: The Honorable Robert D. Drain
United States Bankruptcy Judge**

Maryland Casualty Company ("Maryland"), by its attorneys, Coughlin Duffy, LLP, hereby joins in the objection of Pacific Indemnity Company dated January 2, 2014 (the "Objection") to confirmation of the First Amended Joint Chapter 11 Plan of Reorganization (the "Plan"), proposed by The Christian Brothers Institute and The Christian Brothers of Ireland Inc. (the "Debtors") and the Official Committee of Unsecured Creditors of the Debtors (the "Committee"), and respectfully represents as follows:

1. Maryland issued policy no. CB 28110713 to the Catholic Archbishop of Seattle ("Archdiocese") for the policy period April 1, 1973 to April 1, 1976 (the "Maryland Policy"). The Congregation of Christian Brothers is also named as an insured by endorsement, but only with respect to the operation of O'Dea High School.

2. Maryland is a party in the related adversary proceeding to determine insurance coverage, entitled Corporation of the Catholic Archbishop of Seattle v. Congregation of Christian Brothers of Ireland, et al., Adv. No. 11-8832, and a third-party intervener in the related adversary proceeding seeking substantive consolidation, entitled Corporation of the Catholic Archbishop of Seattle v. Congregation of Christian Brothers of Ireland, et al., Adv. No. 12-8236.

3. Maryland supports the legal and factual arguments set forth in the Objection to the extent that they apply to the Maryland Policy and joins in the Objection for the following reasons:

- i. The Plan fails to contain adequate insurance neutrality language and therefore, violates both bankruptcy and non-bankruptcy law by denying Maryland its contractual and legal rights;
- ii. The Plan violates both bankruptcy and non-bankruptcy law by assigning the Debtors' obligations in the Maryland Policy to the Trust, as defined in the Plan; and
- iii. The Plan requires that this Court adjudicate the validity of the proposed assignment of the Maryland Policy, and thereby not only seeks an impermissible advisory opinion, but also submits an issue for adjudication with respect to which this Court lacks Constitutional authority to decide.

4. Nothing herein shall waive, release or compromise any right, remedy, claim, defense, demand or cause of action belonging to Maryland arising under the Maryland Policy. Maryland also reserves all objections to the form and substance of any proposed confirmation order which may be submitted by the Plan Proponents.

5. For the reasons set forth in the Objection, Maryland respectfully requests that this Court deny confirmation of the Plan, including any amendments, modifications, or alterations thereof, and grant Maryland such other and further relief as is just and proper under the circumstances.

Dated: New York, New York
January 3, 2014

Respectfully submitted,

COUGHLIN DUFFY LLP

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